



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2308922 and 2303567
Applicant Name: Randall Spaan
Address of Proposal: 4501 S. Holden St.

SUMMARY OF PROPOSED ACTIONS

Master Use Permit #2308922 to recover development credit for proposed cluster housing development including, 7 single family dwelling units. Project includes subdividing 1 parcel into 7 unit lots and 1 (not developable) wetland tract in an Environmentally Critical Area. This subdivision is for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

Master Use Permit #2303567, Environmentally Critical Area Exception, to fill in a 245 square foot wetland and an 80 sq. ft. wetland. The development site is a part of a recently approved short plat to create seven lots, approved under MUP #2103456. This project was revised to reduce the 50-foot wetland buffer to 25 feet through an Environmentally Critical Area Exception.

The following approvals are required:

Environmentally Critical Areas – Administrative Conditional Use to recover development credit in a designated ECA and Clustering of Housing (SMC) Chapter 25.09.

Environmentally Critical Areas Exception - to reduce the 50-foot wetland buffer to 25-feet – (SMC) Chapter 25.09.

Unit Lot Subdivision - to divide one parcel into seven unit lots and one non developable, wetland parcel. Seattle Municipal Code (SMC) Chapter 23.2

SEPA - Environmental Determination – (SMC) Chapter 25.05.

SEPA DETERMINATION:

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction

BACKGROUND DATA

The site is located in the South Seattle neighborhood. The site is approximately 41,170 square feet and rectangular in shape. The proposal site is located in a Single-family (SF5000) zone to the south of S. Holden St., between 46th Avenue S. and Renton Avenue S. The proposal site has approximately 135 lineal feet of frontage on S. Holden St., which is a two-lane paved street without sidewalks, curbs or gutters on either side of the street at the site location. The proposal site gently slopes to the west. Vegetation on the site includes grass, shrubs and trees. There is a 245 square foot unmapped wetland on the site, which is considered an environmentally critical area.

Zoning and development in the vicinity of the proposal site is single-family residential. Single-family residential zoning with a minimum required lot size of 5,000 square feet (SF5000) extends in all directions from the proposal site.

An eight lot short plat, #2103456, recently created the subject 7 lot site. The plat was recorded August 19, 2002. During a subsequent post-site visit a DPD site Inspector discovered a 245 square foot unmapped wetland. The applicant applied for an Environmentally Critical Area Exception to fill in the wetland. During the review of the ECA Exception proposal it was determined that the proposal wouldn't meet the ECA criteria for removing the wetland. The applicant revised this proposal to add an ECA Exception to reduce the required 50-foot wetland buffer to a 25-foot wetland buffer.

Proposal

This proposal is a Master Use Permit to recover development credit for a proposed cluster housing development consisting of seven single-family residences. The project includes subdividing one parcel (consisting of seven of the lots from short plat 2103456) into seven unit lots and one (not developable) wetland parcel in an Environmentally Critical Area. In order to keep the building footprints out of the wetland and wetland buffer the applicant proposes to create one not developable tract. Parking would be located on each of the seven unit lots. Pedestrian access to S. Holden St. will be provided as part of the access easement. The proposed unit lot sizes are: A) 3,508.9 sq. ft., B) 3,444 sq. ft., C) 3,762.3 Sq. ft., D) 3,822.9 sq. ft., E) 3,822.9 sq. ft., F) 3,589.9 sq. ft.; and G) 4,332 sq. ft. The ingress, egress and utility easement from S. Holden St. is 20-feet wide and the portion of this easement that surrounds the wetland parcel is proposed to be 12-feet wide.

Public Comment

Eight comment letters were received during the comment period that ended on February 18, 2004. The comments stated concerns regarding alterations of the wetland, increased density of new homes in the neighborhood, drainage concerns and construction noise. (All comment letters were written to project file #2303567.)

ANALYSIS - ECA CONDITIONAL USE TO RECOVER DEVELOPMENT CREDIT AND PERMIT CLUSTERED DEVELOPMENT

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Section 25.09.260 of the ECA ordinance sets forth the review criteria for

Administrative Conditional Use Permits [ACU] to recover development credit and permit clustered development on-site in single-family zones. Applicable review criteria and supporting analysis follows:

A wetland regulated under SMC 25.09, Environmentally Critical Areas (ECA) is located in the center of the original parcel. The entire site is approximately 41,170 square foot in area while the Wetland area covers approximately 245 square feet. The proponent requests approval of a cluster housing design that recovers development credit, while configuring development to preserve and enhance the separate Wetland parcel.

The following analysis is from SMC Section 25.09.260, which provides review criteria for this request:

- A. *Up to full development credit on-site (determined by calculating the maximum number of lots allowed based on the underlying single-family zoning and size of the originating property) may be granted by the Director through an administrative conditional use permit, authorized under SMC Section 23.42.042, Conditional uses, in the Land Use Code.*

A wetland regulated under SMC 25.09, Environmentally Critical Areas (ECA) is located in the center of the original parcel. The entire site is approximately 41,170 square foot in area while the Wetland area covers approximately 245 square feet. The proponent requests approval of a cluster housing design that recovers development credit for seven lots, while configuring development to preserve and enhance the separate Wetland parcel.

The proposal on the site encompasses a parcel that is 41,170 square feet. If the parent lot was not encumbered by a Wetland area limiting its development potential, the land area would be sufficient to construct eight (8) single family structures although the site is currently platted for only seven lots. With the Wetland area, its reduced buffer, and the access easement area taken out of the development potential analysis, this proposal is left with a development area that would support only five single family structures. The applicant is proposing seven (7) dwelling units, which does not exceed the maximum of eight lots if all development credit were recovered thereby meeting this test. Further the area of the site taken up by structures covers less than 35% of the site, the maximum allowed in a single family zoned lot.

1. *The transfer of development credit shall not result in any significant increase or negative environmental impacts, including erosion, on the identified ECA and its buffer;*

The proposed development would be out of the Wetland and the reduced Wetland Buffer areas, thus, the transfer of development credit would not likely result in any significant increase of negative environmental impacts, including erosion, on the identified Wetland or it's Wetland Buffer. Furthermore, the applicant submitted conceptual drainage and grading plans that clearly delineate these activities in relation to the areas of construction, retention of significant trees and areas of revegetation.

2. *The development shall be reasonably compatible with neighborhood characteristics. This shall include but not be limited to concerns such as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining;*

The site is in a Single-family zoned neighborhood, surrounded by predominately single-family homes. The structures on the site will be within the underlying height limit, bulk, scale, yards, and pedestrian environment, for the zone. Further, the site plan will be required to show that the structures are sited such that they are clustered away from the wetland so that the vegetation of the Wetland site will be maintained and enhanced. All structures will be at least five feet from the property line, adjacent to the existing neighbors, resembling typical side-yards. Each house will also comply with single-family zone height requirements. The site will meet single-family lot coverage requirements and will otherwise be compatible in bulk and scale with neighborhood characteristics.

3. *In no case shall development credit be allowed for the area covered by an open water area of a wetland or riparian corridor.*

There are no open water areas on the site. A riparian corridor is located to the east of the property but will not be altered or disturbed as a result of this project.

4. *The development shall retain and protect vegetation on designated undisturbed areas on and off site. Significant species or stands of trees shall be protected, and tree removal shall be minimized. Replacement and establishment of trees and vegetation shall be required where it is not possible to save trees.*

As referenced, the vegetation on the not-developable Wetland site will be maintained along with the Wetland Buffer by a re-hydrating plan to be submitted to DPD.

5. *The ability of natural drainage systems to control the quality and quantity of stormwater runoff shall not be significantly impaired.*

The applicant will submit a conceptual drainage plan showing proposed location of stormwater collection including any catch basins as well as water and sewer lines. Assuming compliance with the City's Stormwater and Drainage ordinance during and following construction, the proposal would not likely significantly impair the ability of natural drainage systems to control the quality and quantity of stormwater runoff.

6. *The development shall not adversely affect water quality and quantity, erosion potential, drainage, and slope stability of other ECAs located in the same drainage basin.*

As indicated above, the development would not likely adversely affect water quality and quantity, erosion potential, drainage, and other ECA's located in the same drainage basin. ECA review, compliance with the City's Stormwater and Drainage Ordinance, the grading plan and any potential conditioning under SEPA will help to preserve the Wetland and Wetland Buffer and any other ECA's in the area.

7. *The development's site plan shall include measures to minimize potential negative effects of the development on the undeveloped portion of the site, including provision of natural barriers.*

A potential negative effect of development could be reduction or interruption of the existing hydrology of the site which recharges the wetland. The portion of the Wetland (ECA) required to remain undisturbed is located approximately in the middle of the original parcel. The wetland vegetation will have to be maintained throughout construction and the life of the project. The proposed 25-foot Wetland buffer

and a required wetland enhancement and re-hydrating plan should be adequate for the preservation of the wetland.

8. *Adequate infrastructure (streets and utilities) shall be available or will be provided.*

A 20 foot wide access road with a 12-foot wide circular drive around the Wetland parcel will be provided. This access road will be from S. Holden St. The proposed width of the access road is satisfactory.

9. *The site design guidelines of Section 25.09.180C shall be followed for designated steep slope areas.*

This provision is not applicable as there is no designated steep slope.

F. *The Director may approve more than one (1) dwelling unit per lot and may approve smaller than required lot sizes and yards to accommodate recovery of development credit, and to encourage larger buffers, reduce impermeable surfaces, and decrease size of affected areas. . Full development credit on-site shall not be increased beyond that permitted by the underlying single-family zone.*

SMC Section 25.09.260.F authorizes the Director to approve smaller yards than ordinarily required in order to accommodate recovery of development credit and to encourage larger buffers, reduce impermeable surfaces, and decrease size of affected areas. The applicant has not proposed smaller yards than required by the Land Use Code, since the proposed development can be constructed within the limits of the Wetland development standards. The structures are clustered in the sense that seven houses are proposed to cluster in a ring around the wetland on a single development site (of seven existing lots) which will be divided by unit lot subdivision to allow for separate ownership of each unit lot within the single development. The Director is approving more than one dwelling unit per lot in order to provide for recovery of development credit.

G. *The Director may require that structures be located on the site in order to preserve or enhance topographical conditions, adjacent uses and the layout of the project and to maintain a compatible scale and design with the surrounding community. In order to approve clustered dwelling units in all environmentally critical areas, the following criteria shall be met:*

1. *Clustering of units shall help to protect the following critical areas: riparian corridors, wetlands and steep slopes;*
2. *Clustering of units shall require siting of structures to minimize disturbance of the environment;*
3. *Clustering of units shall help to protect priority species or stands of mature trees;*
4. *Clustering of units shall ensure maximum retention of topographic features;*
5. *Clustering of units shall limit location of access and circulation to maximize the protection of an area's natural character and environmental resource;*

6. *Clustering of units shall help protect the visual continuity of natural greenery, tree canopy, and wildlife habitat;*
7. *Clustering of units shall not have an adverse impact on the character, design and scale of the surrounding neighborhood; and*
8. *Clustering of units shall promote expansion, restoration or enhancement of a riparian corridor and its buffer, a wetland and its buffer or a steep-slope area and its buffer*

Most of the clustering criteria have been discussed in the analysis of the recovery of development credit. The proposed structures will be constructed well away from the wetland and wetland buffer, except for appropriate drainage to the wetland. Proposed re-hydrating will improve and protect the Wetland. The proposal requires no significant grading for access, and therefore ensures maximum retention of topographic features. Access and circulation to the structures will be from an access easement that, as conditioned, will not affect the area's natural character and environmental resources. The siting of the houses minimizes disturbance to the environment by avoiding the wetland and wetland buffer.

By subdividing the Wetland into a separate not developable parcel, maintaining a wetland buffer, and preserving and enhancing the vegetation on the Wetland site, the proposal suitably protects the visual continuity of natural greenery of the site. As described, the seven single-family residences will be of comparable size and footprint to many other houses in the immediate neighborhood, and will therefore not have an adverse impact on neighborhood character, design or scale. Finally, where development is proposed, it will minimize effects on the wetland or wetland buffer. A drainage plan using driven well points that will enhance the wetland with appropriate drainage is required. There should be little if no disturbance of the wetland since it will be a separate un-developable tract. As proposed, the area of development, represents the best area for construction with minimum disturbance to the Wetland and Wetland Buffer.

H. Additional Conditional Use Provisions for Steep Slopes and Steep-slope Buffers.

1. *In steep-slope areas and their buffers, the Director may allow clustering on the steep-slope portions of the site when the site is predominantly characterized by steep slopes. However, the preference shall be to cluster away from steep-slope and buffer areas.*
2. *The Director shall require clear and convincing evidence that the clustering criteria and findings of this subchapter are met when a transfer in development credit within a steep-slope area is also characterized by or adjacent to:*
 - a. *A wetland over fifteen hundred (1,500) square feet in size, or a stream or creek designated as a riparian corridor; or*
 - b. *A large (over five (5) acres) undeveloped steep-slope system; or*
 - c. *Areas designated by the Washington Department of Wildlife as urban natural open space habitat areas or areas with significant tree cover providing valuable wildlife habitat.*

As previously noted, the wetland and wetland buffer is not suitable for development. The development is clustered away from the wetland as explained previously. The site is not near a large undeveloped steep slope or an urban natural open space or other wildlife habitat. Thus, criterion H.1 is satisfied and criterion H.2 (a-c) is not applicable.

B. The Director may approve, condition or deny an application for an administrative conditional use. The Director's decision shall be based on a determination of whether the proposed transfer of development credit within the site meets the criteria for allowing the specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

As discussed above, the proposed transfer of development credit and clustering within the site meets the conditional use criteria for approval. As proposed, and subject to the conditions of approval of this decision, the development would not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the subject site is located.

C. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

Conditions have been included to mitigate potential adverse negative impacts. These conditions are set forth following the SEPA analysis below.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposal to recover development credit is **CONDITIONALLY GRANTED.**

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

The applicant is seeking an environmentally critical areas exception to:

A) Reduce the Wetland buffer from 50-feet to 25-feet.

An applicant for a critical areas exception must demonstrate, pursuant to SMC 25.09.300.A, that “no other applicable environmentally critical areas administrative remedies prescribed in Chapter 25.09 will provide sufficient relief....” Buffer reduction would be a realistic remedy in this case because the 245 square foot wetland is located in the center of the original parcel and a 50-foot buffer would not be sufficient relief.

The applicant has provided technical studies and other data (SMC 25.09.300.B.1).

The applicant must provide an explanation with supporting evidence of how and why compliance with the unmodified environmentally critical areas development standards would not permit reasonable use of the property (SMC 25.09.300.B.2).

The strict application of the code would not permit the applicant reasonable use of the land because of the location of the 245 square foot wetland and the limitations to development if a 50 foot buffer were

applied. Compliance with the ECA is not possible on this site because there is not adequate space to develop without impacting the wetland buffer.

The Director is authorized to reduce, modify, or waive ECA standards in accordance with the following criteria.

- C. *The Director may modify an environmentally critical areas development standard when an applicant demonstrates to the Director's satisfaction that strict application of the development standards would be unreasonable and that development undertaken pursuant to the modified standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.*

The impact of the 50-foot wetland buffer would be unreasonable considering the location of the 245 square foot wetland and the 50 foot buffer which would generally bifurcate the site, limiting access to the portion of the site away from the street. The reduction from a 50-foot buffer to a 25-foot buffer would be more reasonable because it would allow for access and reasonable building footprints. Ironically, since the site has recently been divided into separate lots, development could occur on up to six of them with little regulatory protection for the wetland since the wetland (and hence the required buffer) has been identified solely on one lot. The lot with the wetland would virtually have no buildable area outside the 50 foot wetland buffer, therefore likely qualifying for a wetland buffer reduction. Although resulting in construction of up to seven single family residences, this alternative scenario would be more difficult to develop and would likely be more harmful to the wetland.

The requested exception is unlikely to cause any injury to occupiers of the land, to other properties, to public resources, or to the environment and there no anticipated injurious effects from a grant of the exception.

Strict application of the development standards in this case would not allow for reasonable use of the property due to the location of the wetland on site. Reasonable use of the property would not be possible without the granting of an exception. Strict application of the development standards in this case would be unreasonable.

Any impacts associated with the project can be mitigated. The buffer reduction from 50-feet to a wetland buffer of 25-feet would allow for reasonable development of the property while resulting in no loss of wetlands.

- D. *The relief granted by the reduction, waiver, or other modification of an environmentally critical area development shall be the minimum necessary to allow reasonable use of the property. In modifying a development standard, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified regulation was intended to prevent or mitigate.*

Relief granted to reduce the wetland buffer from 50-feet to 25-feet is necessary to allow reasonable use of the property. In light of this, the wetland mitigation plan meets the criteria for an ECA exception.

As a condition of approval of this ECA exception, the applicant must submit a final wetland restoration plan, to the satisfaction of the Director.

Conclusion

The approval of the ECA exception will allow enhancement of the wetland and reasonable use of the property by allowing for an adequate footprint for the proposed houses and adequate yard areas.

DECISION - ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

ECA Exception to reduce the required wetland buffer to 25 feet is **CONDITIONALLY GRANTED**

PLAN REVIEW – UNIT LOT SUBDIVISION

SMC 23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

- A. ☒ Plat of the proposed short subdivision containing standard survey data;
- B. ☒ Vicinity map on which shall be indicated the property to be subdivided;
- C. ☒ Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. ☒ Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. ☒ Name and address of owner(s) of the tract;
- F. ☒ Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. ☒ Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

SMC 23.24.030 Content of short subdivision.

- A. Every short plat of a short subdivision filed for record must contain:
 - 1. ☒ A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
 - 2. ☐ If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown

on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.

3. ☐ Roads not dedicated to the public must be clearly marked on the face of the short plat.
 4. ☐ All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. ☐ The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

SMC 23.24.035 Access.

- A. ☐ Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. ☐ Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. ☐ Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. ☒ Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
 1. ☐ Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
 2. ☐ The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

- 3. ☐ The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
- 4. ☐ No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
- 5. ☐ There is identifiable access for the public and for emergency vehicles; and
- 6. ☐ There is no potential for extending the street system.
- E. ☐ Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

CRITERIA REVIEW – SHORT SUBDIVISION

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.
 - 1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
 - ☒ Zoning review approved.
 - ☒ Development standards of underlying zone (including Overlays).
 - ☐ Chapter [23.53](#) Streets and Alleys
 - ☒ Chapter [23.54](#) Parking and Access
 - ☐ Zoning review approved with conditions or corrections.
 - 2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
 - ☒ Fire Marshal's Office approved.
 - ☐ Fire Marshal's Office approved with conditions.
 - ☐ Seattle City Light review approved.
 - ☒ Seattle City Light requires easement.
 - 3. Adequacy of drainage, water supply, and sanitary sewage disposal;
 - ☒ Drainage review approved.
 - ☐ Drainage review approved with conditions.
 - ☒ Seattle Public Utilities Water Availability Certificate (WAC) approved.
 - ☐ Seattle Public Utilities requirements for WAC approval.

4. Whether the public use and interests are served by permitting the proposed division of land;
- ☐ Department of Parks and Recreation approved.
- ☐ Department of Parks and Recreation approved with conditions.
- ☐ Department of Neighborhoods (landmark sites or Districts) approved.
- ☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
- ☐ Building Plans Examiner review and approval.
- ☐ Building Plans Examiner approval with conditions.
- ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
- ☐ Site is located in a steep slope.
- ☐ Site exempt from ECA Ordinance (SMC [25.09.040](#))
- Each new legal description will need to include reference to undivided interest per SMC 25.09.240B.
6. Is designed to maximize the retention of existing trees;
- ☒ Site does contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
- ☒ Site does not contain Exceptional Trees as defined in Director's Rule [6-2001](#).
- ☒ The short subdivision meets the applicable provisions of SMC [25.11](#).
- ☐ A tree preservation plan is required.

SMC 23.24.060 Redivision procedure.

- ☒ Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist. This information, along with the experience of the lead agency in similar situations, form the

basis for this analysis and decision. Short- and long-term adverse impacts are anticipated from the proposal.

The SEPA Overview Policy (SMC 25.05.665.D) states "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to limitations (see below under Long-term Impacts). Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Under SMC Section 25.05.908 B, the scope of environmental review within critical areas is limited to documenting that the proposal is consistent with ECA regulations, SMC Chapter 25.09, and to evaluating potentially significant impacts on the environmentally critical areas resources not adequately addressed in the ECA Policies or the requirements of Chapter 25.09. The proposal, as conditioned by this decision, is determined to be consistent with ECA regulations. Potentially significant impacts are further discussed below.

Short-term Impacts

The following temporary or construction-related impacts are expected: vegetation removal (including removal of three mature trees); increased soil erosion and sedimentation during general site work and following until vegetation is adequately established on site; increased runoff; and tracking of mud onto adjacent streets by construction vehicles. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Earth

Based upon the applicant's technical report, the proposed development can be constructed with "minimal risk to the proposed development or to adjacent properties" if development is constructed in accord with the engineer's recommendation. If the requirements of Director's Rule 3-93 and 16-00 (the latter for implementation of Best Management Practices), and Environmentally Critical Areas requirements are complied with, no additional mitigation is necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by increased impervious surfaces; increased demand on public services and utilities; and loss of vegetation. These long-term impacts are not expected to be significant.

The expected long-term impacts are typical of single family residential development and are expected to be mitigated by the City's adopted codes and/or ordinances. Specifically these applicable codes and ordinances are: Building Code requirements and ECA regulations (to ensure that proposed development will be constructed in a safe manner); Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Seattle Energy Code (long-term energy consumption).

Other impacts not noted here are not sufficiently adverse to warrant further mitigation by conditioning.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - ECA CONDITIONAL USE TO RECOVER DEVELOPMENT CREDIT AND PERMIT CLUSTERED DEVELOPMENT and ECA EXCEPTION

The owner and/or responsible party shall provide the following:

Conditions of Approval Prior to Issuance of Construction Permits Also Required Prior to Recording of Unit Lot Subdivision

1. A landscape plan shall be submitted, showing proposals for re-hydrating vegetation of the Wetland area, including types of plants and other requirements as specified in DPD Director's Rule 13-92. The plan shall be subject to review and approval by DPD.
2. A wetland enhancement and management plan shall be provided, including proposals for planting of appropriate wetland vegetation and include removal of invasive species and any inappropriate material found in the Wetland or its Buffer. This plan shall include an assessment of the likely sources of hydraulic recharge of the wetland, proposed measures to mitigate likely adverse impacts of the proposed development of the recharge of the wetland, and long term monitoring and maintenance. This plan shall be prepared by a qualified wetland professional and may require geotechnical analysis of the hydraulic recharge of the wetland.

Conditions of Approval Prior to Issuance of Any Construction Permit (Non-appealable ECA conditions)

1. Submit for approval by DPD a drainage control plan prepared by a licensed civil engineer meeting the requirements of the City's Stormwater, Grading and Drainage Control Code. The drainage plan shall include a drainage plan for enhancement of the wetland using driven well points and designed by a licensed civil engineer. A note shall be added to the plan stating that installation of the driven well points is to be performed with hand tools.
2. Show on the site plan and construct a permanent non-disturbance fence around the wetland and wetland buffer area. Construction plans must demonstrate that there will be no direct access to the Wetland area from the single-family residences.

3. Show on the site plan; complete calculations for development coverage, impervious surface area, and construction activity areas, noting areas and percentages of site; location of grading activities, including final grad contours, and drainage control facilities; location of existing utilities and proposed methods/locations of connection(s) to these services as they relate to the Wetland; and the location of permanent Wetland (ECA) markers;
4. Provide an erosion and sediment control plan, employing Best Management Practices, to minimize erosion on and off site. The plan shall be reviewed and approved by DPD.
5. Submit a sanitary sewer plan for approval by DPD's Land Use Review section.
6. Record an Environmentally Critical Areas Covenant as approved by DPD. The covenant shall show the location of permanent Wetland (ECA) markers and provide for their maintenance by the property owners or other responsible parties. The covenant shall also show the location of the permanent non-disturbance fence around the wetland and wetland buffer area and provide for its maintenance by the property owner(s) or other responsible parties.

CONDITIONS – UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement for proper posting of address signage that is visible from the street.
5. Revise each unit lot legal description to be labeled as a unit lot. Include in each unit lot legal description the undivided interest in the wetland tract.

6. Revise the plat map to show unit lots. Revise the plat map to show the easement as part of the wetland tract as proposed in the legal description.

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: July 15, 2004
Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services